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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,275	07/30/2003	Rongguo Zhao		8731

7590

12/02/2005

Dr. Ron (Rongguo) Zhao  
653 Roosevelt Street  
Neenah, WI 54956

EXAMINER
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PASCUA, JES F

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/630,275

Applicant(s)

ZHAO, RONGGUO

Examiner

Jes F. Pascua

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “fibrous nonwoven material reinforced with a woven screen or an extruded net” (claim 3), “linear slits” (claims 4 and 5), “biaxial slits” (claims 4 and 5), the combination of (holes, linear slits, biaxial slits” (claims 4 and 5), the “coated fibrous material” (claim 6), the “perforated film is reinforced with a nonwoven fabric, woven screen, and extruded net, or their combinations” (claim 7), the “perforated paper is reinforced with a nonwoven fabric, woven screen, and extruded net, or their combinations” (claim 8), a “belt” (claim 9), and a “ribbon” (claim 9) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

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application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The claim language "extruded net", "holes", "linear slits", "biaxial slits", "coated fibrous material", "belt" and "ribbon" lack antecedent basis in the terminology of the specification.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 3 and 6-8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. In claim 6, the specification fails to provide an adequate written description of how the fibrous material is to be coated. In claims 3, 7

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and 8, the specification fails to provide an adequate written description of how the fibrous nonwoven material, perforated film or perforated paper is to be reinforced by nonwoven fabric, woven screen, extruded net or their combinations.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1-9, the language "the said" is redundant. Use either --the-- or --said-- alone will suffice.

In claims 4 and 5, "the non-perforated areas" lack antecedence within the claim and from the claim which they depend.

In claim 9, "the holes at the opening end of the said bag" lacks antecedence in the terminology of the claim itself and the claim from which it depends.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims 1, 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,735,930 to Sugiyama et al. (hereafter referred to as Sugiyama et al.).

Sugiyama et al. discloses the claimed invention, especially the top, bottom and side portions of the coated fibrous bag being permeable to air. However, Sugiyama et al. does not disclose at least one of the top and bottom portions having an air permeability ranging from  $20 \text{ ft}^3/\text{ft}^2/\text{min}$  to  $1200 \text{ ft}^3/\text{ft}^2/\text{min}$  and the two side portions having an air permeability ranging from  $300 \text{ ft}^3/\text{ft}^2/\text{min}$  to  $1500 \text{ ft}^3/\text{ft}^2/\text{min}$ . It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the top or bottom portion of the Sugiyama et al. coated fibrous bag with an air permeability ranging from  $20 \text{ ft}^3/\text{ft}^2/\text{min}$  to  $1200 \text{ ft}^3/\text{ft}^2/\text{min}$  and the two side portions with an air permeability ranging from  $300 \text{ ft}^3/\text{ft}^2/\text{min}$  to  $1500 \text{ ft}^3/\text{ft}^2/\text{min}$ , since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. Furthermore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide the coated fibrous top, bottom and side portions of the Sugiyama et al. coated fibrous bag with applicant's claimed ranges of air permeability, since applicant himself is not the inventor of air permeable materials that meet ASTM Standard D737-96 or ASTM Standard D737-96 itself.

As a note, the clips 12 meet applicant's recitation "a tightening mechanism" to the same degree applicant sets forth its structure in the claim.

9. Claims 1, 4, 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al. in view of U.S. Patent No. 3,133,396 to Leader (hereafter referred to as Leader).

Peterson et al. discloses the claimed invention, especially the top, bottom and side portions of the bag being permeable to air. However, Peterson et al. does not disclose at least one of the top and bottom portions having an air permeability ranging from  $20 \text{ ft}^3/\text{ft}^2/\text{min}$  to  $1200 \text{ ft}^3/\text{ft}^2/\text{min}$  and the two side portions having an air permeability ranging from  $300 \text{ ft}^3/\text{ft}^2/\text{min}$  to  $1500 \text{ ft}^3/\text{ft}^2/\text{min}$ . It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the top or bottom portion of the Peterson et al. bag with an air permeability ranging from  $20 \text{ ft}^3/\text{ft}^2/\text{min}$  to  $1200 \text{ ft}^3/\text{ft}^2/\text{min}$  and the two side portions with an air permeability ranging from  $300 \text{ ft}^3/\text{ft}^2/\text{min}$  to  $1500 \text{ ft}^3/\text{ft}^2/\text{min}$ , since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. Furthermore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide the paper, bottom and side portions of the Sugiyama et al. coated fibrous bag with applicant's claimed ranges of air permeability, since applicant himself is not the inventor of air permeable materials that meet ASTM Standard D737-96 or ASTM Standard D737-96 itself.

Moreover, Peterson et al. discloses the claimed device, as discussed above, except for the opening of the bag having a string going through holes at the opening of the bag. Leader discloses that it is known in the art to provide a drawstring going

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through holes at the opening of an analogous bag. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the opening of the Peterson et al. bag with the holes and drawstring of Leader, in order to permit closing or the bag opening.

Regarding claim 5, each perforation 91 in Peterson et al. is considered by the Examiner to be a region of perforation such that Peterson et al. meets the recitation of the paper being "regionally perforated with holes...so that the perforated and non-perforated areas form a grid-like pattern".

Regarding claim 4, Peterson et al. and Leader disclose the claimed invention, as discussed above, except for material of the bag being polymeric film. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use polymeric film for the bag of Peterson et al., since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

### ***Allowable Subject Matter***

10. Claims 3, 7 and 8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.



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### **Conclusion**

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

### **Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jes F. Pascua whose telephone number is 571-272-4546. The examiner can normally be reached on Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jes F. Pascua  
Primary Examiner  
Art Unit 3727

JFP